

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Anticipatory Bail Application No. 3081 of 2024

1. Purab Bharat Rajwani
Indian Adult, Aged About 20 years,
R/at. Gangotri Niwas, Block No.
C-864/1728, Kurla Camp Road,
Ulhasnagar – 421 005.
District Thane, Maharashtra

2. Anil Suresh Dhamejani
Indian Adult, Aged about 45 years,
R/at. Block No.C-872/1743,
Kurla Camp Road, Near Swami
Shanti Prakash Statue,
Ulhasnagar – 421 004. Dist. Thane,
Maharashtra.

... Applicants

versus

The State of Maharashtra
(Through Senior Police Inspector,
Ulhasnagar Police Station)

... Respondent

Mr SA Gemnani i/b Mr S R Pille, for the applicants.
Mr Yogesh Y Dabke, APP, for the respondent/ State.

**Coram: R.N. Laddha, J.
Date: 13 November 2024**

P.C.:

Heard Mr SA Gemnani, the learned Counsel for the
applicants and Mr Yogesh Dabke, the learned Additional Public
Prosecutor representing the respondent / State.

2. By this application, the applicants seek pre-arrest bail in connection with CR No. 884 of 2024, registered at Ulhasnagar Police Station, Thane City, for offences punishable under Sections 115(2), 118(1), 189(1), 190, 191(1), 191(2), 191(3) and 352 of the Bhartiya Nyaya Sanhita, 2023 and Sections 37(1) read with 135 of the Maharashtra Police Act, 1951.

3. Mr SA Gemnani, the learned Counsel appearing on behalf of the applicants, submits that the applicants have no criminal antecedents and that with respect to same occurrence, two cross FIRs have been lodged. The learned Counsel further submits that even if the contents of the FIR are taken as they are, the role attributed to the applicant was that they assaulted the first informant by fist and kick blows, while the co-accused allegedly assaulted the first informant with the knife and screw driver. The learned Counsel further submits that considering the role attributed to the applicants, they deserve to be granted anticipatory bail. The applicants are ready and willing to abide by the conditions imposed by this Court.

4. On the other hand, Mr Yogesh Dabke, the learned Additional Public Prosecutor representing the respondent/ State, submits that the applicants and the co-accused formed an unlawful assembly and assaulted the informant, resulting in

grievous injury to the informant. The investigation is in progress, and the applicants, if granted bail, may tamper with the prosecution evidence.

5. Upon perusing the records, it appears that the applicants' involvement is limited to assaulting the informant with fist and kick blows. No allegations of weapon use have been made against the applicants in the crime, and nothing is to be recovered from the applicants. The applicants have no criminal antecedents. The apprehension of the prosecution that the applicants may tamper with the prosecution evidence and influence the witnesses can be taken care of by imposing appropriate conditions. Considering the nature of the allegations made against the applicants, this Court is inclined to allow the present application. Accordingly, the application is allowed in the following terms :

ORDER

(i) In the event of the applicants' arrest in connection with CR No.884 of 2024, registered at Ulhasnagar Police Station, Thane City, they shall be released on bail upon executing a PR Bond of Rs.25,000/- each and furnishing one or more sureties in the like amount.

(ii) The applicants shall attend the concerned Police Station as and when required and cooperate with the investigation.

(iii) The applicants themselves, or through any other person, shall not tamper with the evidence or influence the witnesses.

6. The application stands disposed of accordingly.

[R.N. Laddha, J.]